

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY JOSEPH RUSSO, JR., et al.,

Defendants.

No. 9373-WMB-CD

PROTECTIVE ORDER

This matter comes before the Court upon motion of plaintiff, United States of America, for a protective order to prevent the disclosure or dissemination of documents or any portions thereof on the ground that they, or parts thereof, are under a Government security classification pursuant to Executive Order 10501. The documents in question are the following:

(1) Volumes of a Department of Defense study entitled "United States - Vietnam Relations, 1945-1967":

<u>Volume</u>	<u>Title</u>
IV.B.5.	EVOLUTION OF THE WAR, THE OVERTHROW OF NGO DINH DIEM, MAY-NOVEMBER 1963.
IV.C.4.	EVOLUTION OF THE WAR, MARINE UNITS GO TO DA NANG - MARCH 1965.
IV.C.5.	PHASE I IN THE BUILD-UP OF U.S. FORCE - THE DEBATE - MARCH-JULY 1965.
IV.C.9(a).	EVOLUTION OF THE WAR, US/GVN RELATIONS: 1963-1967.
IV.C.9(b).	EVOLUTION OF THE WAR, US/GVN RELATIONS: 1963-1967.

Volume	Title
VI.C.1.	SETTLEMENT OF THE CONFLICT - HISTORY OF CONTACTS NEGOTIATIONS, 1965 - 1966.
VI.C.2.	VI. SETTLEMENT OF THE CONFLICT C. HISTORIES OF CONTACTS MARIGOLD.
VI.C.3.	VI. SETTLEMENT OF THE CONFLICT C. HISTORIES OF CONTACTS SUNFLOWER.
VI.C.4.	SETTLEMENT OF THE CONFLICT NEGOTIATIONS, 1967-1968 - HISTORY OF CONTACTS;

(2) Pages 1, 2, 3, 4, 9, 12, 13 and 14 of a memorandum dated 27 February 1968, entitled "REPORT OF CHAIRMAN, JCS ON SITUATION IN VIETNAM AND MACV FORCE REQUIREMENTS";

(3) Part II of a memorandum entitled "NEGOTIATIONS AND VIETNAM: A CASE STUDY OF THE 1954 GENEVA CONFERENCE".

The Court having considered the matter, and good cause appearing therefor; pursuant to Rule 16(a), Federal Rules of Criminal Procedure and the inherent power of the Court;

IT IS HEREBY ORDERED THAT:

(1) Defendants Anthony Joseph Russo, Jr., and Daniel Ellsberg, and their counsel Michael P. Balaban, Barry Portman, Leonard B. Boudin, Charles R. Nesson, Charles Goodall and Arthur I. Berman may inspect the above-listed documents and may possess among them a single copy thereof furnished by the Government for their use in preparation for and during trial. Upon application of the defendants, on notice to the Government, the Court may permit other persons to inspect said documents where the identity and function of such persons, and the necessity for their inspection is clearly shown.

(2) No person permitted to inspect or possess a copy of said documents by order of this Court shall allow any person not

1 permitted such inspection by this Court to inspect, possess, or
2 use, any part of said documents.

3 (3) No person permitted to inspect or possess a copy of
4 said documents by order of this Court shall copy or reproduce any
5 part of said document or their contents in any manner whatever.

6 (4) No person permitted to inspect said documents by order
7 of this Court shall in any manner transmit or communicate to any
8 person not permitted such inspection by this Court any part of said
9 documents or their contents.

10 (5) No person permitted to inspect said documents by order
11 of this Court shall retain any part of said documents and at the
12 conclusion of the trial said documents shall be returned to the
13 custody of the Government.

14 (6) Every person permitted to possess a copy of said
15 documents by order of this Court shall employ those safeguards for
16 the storing, handling, and transporting of classified documents
17 which are required by Executive Order 10501. Prior to the aforesaid
18 persons' obtaining a copy of said documents, the Government is
19 authorized to visually inspect the facilities which will be utilized
20 by said persons for safeguarding the said documents and to satisfy
21 itself that they will be stored, handled and transported in accor-
22 dance with Executive Order 10501.

23 DATED: _____

24 at _____ last known address, at which place there is a delivery point
25 for United States mail.

26 This Certificate is executed at _____
27 _____, California.

28 I hereby declare under penalty of perjury that the foregoing is true
29 and correct.

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UNITED STATES DISTRICT JUDGE